

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 3:07-CR-76
V.)	(PHILLIPS/SHIRLEY)
)	
MASHATO LAMAR,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Defendant appeared before the Court on September 10, 2008, for an initial appearance on a Petition for Action on Conditions of Pretrial Release. Assistant United States Attorney Tracee Plowell appeared on behalf of the Government. Attorney Kimberly Parton appeared on behalf of the Defendant, who was also present.

On May 1, 2008, the Defendant was released on personal recognizance with an Order Setting Conditions of Release. [Doc. 10.] The conditions of the Defendant's release required that he: not commit another federal, state, or local crime while on bond in federal court; report to the United States Probation Office as directed; maintain or actively seek employment; restrict his travel to the Eastern District of Tennessee and Northern District of Georgia; refrain from possessing a firearm; refrain from the use of any narcotic drugs or controlled substances, submit to drug testing, and participate in a program of inpatient or outpatient substance abuse therapy and counseling as directed by the United States Probation Office; and refrain from obstructing, in any fashion, the efficiency and accuracy of any prohibited substance testing or electronic monitoring conditions. [Doc. 10.]

On June 12, 2008, Defendant was arrested and charged with Obstruction and Violation of

the Georgia Controlled Substance Act (Marijuana) with Intent to Distribute in Fulton County, Georgia. On June 12, 2008, a Petition for Action on Conditions of Pretrial Release was filed by the Defendant's probation officer. The Petition stated that Defendant's arrest was a violation of the terms of his release and moved the Court to bring the Defendant before the Court to show cause as to why his release should not be revoked.

On September 10, 2008, Defendant appeared before the Court was advised of his rights and the violation of the conditions of release that was alleged. The Court was prepared to conduct a hearing pursuant to 18 U.S.C. § 3148 to determine whether the Defendant had violated the terms of the Order Setting Conditions of Release [Doc. 10]. Instead, the Defendant waived his right to a hearing both in writing and orally. Defendant acknowledged that his waiver meant his release would be revoked and he would be held in custody pending sentencing. Accordingly, the **Order Setting Conditions of Release [Doc. 10]** is hereby **REVOKED**, and the Defendant is remanded to the custody of the United States Marshal pending his sentencing on **November 21, 2008, at 2:00 p.m.**, before the Honorable Thomas W. Phillips, United States District Judge.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge